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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,541	03/30/1999	JAE-ICK HO	P55657	5957

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EXAMINER	
NGUYEN, KEVIN M	

ART UNIT	PAPER NUMBER
2674	35

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/280,541	HO, JAE-ICK	
	Examiner	Art Unit	
	Kevin M. Nguyen	2674	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *5,7-11 and 16-20*.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-4,6 and 12-15*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

XIAO WU
PRIMARY EXAMINER

Kevin M. Nguyen
Patent Examiner
Art Unit: 2674

Continuation of 5. does NOT place the application in condition for allowance because:
Response to argument I
1. In response to applicant's argument that claim 1 recites "a display data channel of a monitor," at pages 2-4, paragraph A. Specific is at lines 13-15, page 3 recited "the display data channel of the monitor is never inputted, only the configuration keys of the spectrophotometer is entered." Specific at line 10, page 4, Berner never mentions a display data channel."
In response, Examiner disagrees because

recited at col. 3, lines 55-68, the manual operation of the spectrophotometer SPM by means of its limited keyboard requires in some cases complex key sequences, in particular if larger volumes of data, for example in the initial programming of specific light type data, are to be entered. To facilitate and simplify the operation, the operation of the instrument is extended by another possibility according to a basic feature of the invention, by programming the computer 2 so that it may be addressed as the operating element not only by the keyboard 5 or an external host computer connected with the serial interface SIF, but additionally also by a reader device connected with the interface SIF (e.g., the bar code reader BCR).

Thus, the teaching of Berner meets the claimed limitation "an inputting device (the bar code reader BCR) inputting a display data channel (larger volume of data or a data carrier, col. 4, line 16) of a monitor (a display unit 6, fig. 1) in a computer (a CPU 2, fig. 1)."

These arguments are not persuasive because applicant noted in the specification at page 32, lines 8-9, "the input of the display data channel 22 to each monitor is performed with either scanner or a mouse." Therefore, the applied prior art of Berner is a proper 102(b).

2. In response to applicant's argument that claim 1 recites "an interface section indicating whether the display data channel of the monitor is inputted in the computer and outputting a voltage signal reflective of an originally inputted voltage signal, the outputted voltage signal is switched at a different time according to a result of inputting the display data channel," at pages 5-6, paragraph B.
In response, Examiner disagrees because Berner teaches

recited at col. 3, lines 17-24, a serial interface 70 and several switches to set or program the different functions possible. It is further equipped with an interface plug connector SIF and a supply voltage plug connector PIF, through which it receives the operating voltage from the spectrophotometer SPM. The plug connectors PIF and PIF' and SIF and SIF' are connected with each other, respectively in the operational state by the cable K.

The interface section (PIF, PIF', SIF, SIF', fig. 1) associated with a method (fig. 2): recited in col. 5, lines 1-4, whether control data had been received from the bar code reader BCR (box 113). If none of these is true, it is determined (box 114) whether the time window had been closed, i.e., the delay time has expired.

3. recited in col. 5, lines 15-44, if during the open period of the time window control data is received from the bar code reader BCR (box 113), this data is tested for errors (box 115). This may be effected, for example, in a conventional manner by an error recognition code transmitted by the bar code reader BCR according to predetermined, conventional standards. If a reading or transmission error is detected (box 115), an appropriate error signal is sent to the display device 6 (box 116) and the program loop is repeated with the resetting of the time window (box 110). If the control data are free of errors, they are stored in the working memory 4 (box 117) and then tested for completeness (box 118). If they are not yet complete, a request for the entry of the missing parts of the control data is transmitted to the display device 6 (box 119) and the program loop repeated together with the resetting of the time window (box 110). If the control data are complete, the action corresponding to their significance is carried out (box 120) and an OK signal sent to the display 6 (box 121). The action defined by the control data is carried out analogously to an action due to control data introduced by means of an external host computer and thus does not require any detailed explanation. Following the OK signal, the program loop is again repeated beginning with the reopening of the time window (box 110) and so on. If no control data are received from the bar code reader BCR or no key is depressed, the time window is closed upon the expiration of its period (box 114) and the instrument is returned to its stand-by state (box 107).

Thus, the teaching of Berner meets the claimed limitation "the interface section (PIF, PIF', SIF, SIF', fig. 1) indicating whether the display data channel (data carrier, col. 4, line 16) of the monitor (the display unit 6, Fig.1) is inputted into the computer (the CPU 2, fig. 1)."

These arguments are not persuasive because the teaching of the Berner meets the claimed limitations "an interface section (PIF, PIF', SIF, SIF', fig. 1) indicating whether the display data channel (data carrier, col. 4, line 16) of the monitor (the display unit 6, Fig.1) is inputted in the computer (the CPU 2, fig. 1) and outputting a voltage signal (data carrier is from SIF' to SIF, fig. 2, col. 4, line 16; and a voltage is from PIF' to PIF, fig. 2); and a voltage reflective of an originally inputted voltage signal (the data carrier is unchanged at the interface, PIF, PIF', SIF, SIF', fig. 1), a controller (a timer, fig. 1) controls the outputted voltage signal is switched at a different time according to a result of inputting the display data channel.

4. In response to applicant's argument that claim 1 recites "a controller determining whether or not the result of inputting the display data channel is correct." at pages 6-7, paragraph C.
In response, Examiner disagrees because see the explanation of paragraph 3 above. Therefore, the teaching of the Berner meets the claimed limitation "a controller determining whether or not the result of inputting the display data channel is correct."
Response to argument II
5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Berner's input device including the mouse, in view of the teaching in the Keiji's reference because this would provide at least two or more functions can be arbitrarily selected, so that the input can be utilized very advantageously as taught by Keiji (col. 2, lines 6-9).

For these reasons, the rejections based on Berner and Keiji have been maintained.